

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office November 20, 2007, the drawings were objected to because Figures 6-12 contain graphs with unlabeled axes, claims 7 and 11 were objected to for informalities, and claims 7-14 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,788,966 to Kenan et al. (hereinafter “Kenan”). Applicants respectfully provide the following:

Drawings:

Please replace the drawing sheets containing Figures 6-12 with the attached replacement sheets containing Figures 6-12. The attached replacement sheets address the objections to the drawings, and Applicants respectfully request withdrawal of the objections.

Objections to the Claims:

Applicants have amended claims 7 and 11 to address the informalities identified in the Office Action, and therefore respectfully request withdrawal of the objections.

Rejections under 35 U.S.C. § 102(e):

In the Office Action, claims 7-14 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kenan. M.P.E.P. § 2131 sets forth the standard for a rejection of a claim as anticipated under 35 U.S.C. § 102. “To anticipate a claim, the reference must teach every element of the claim.” M.P.E.P. § 2131 states further,

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). . . . “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants respectfully submit that the reference cited in the Office Action fails to teach every element of the claim set as provided herein for at least the following reasons.

Applicants have amended the claims to more clearly define over the cited references.

Applicants respectfully submit that Kenan, which fails to mention meridians, fails to teach Applicants’ method limitations relating to meridians. Applicants also submit that Kenan fails to teach the limitations of a user statically contacts a dermal area/skin with a probe and allowing the probe to dynamically vary a pressure applied by the probe to the dermal area/skin.

Therefore, for at least the reasons set forth above, Kenan fails to anticipate claims 7 and 11. Claims 8-10, 12-14, and new claims 17-18 depend from one of claims 7 and 11, and are therefore allowable for at least the same reasons. Applicants therefore respectfully request removal of all rejections under 35 U.S.C. § 102(e).

CONCLUSION

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 13 day of February, 2008.

Respectfully submitted,



Michael F. Krieger
Attorney for Applicant
Registration No. 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 321-4814
Facsimile: (801) 321-4893